

CONGRESSIONAL RECORD SUMMARY

Thursday, November 15, 2001, Part I

SENATE

Measures Introduced:

S. 1712. *A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.*

"... It's easy for lawyers to forum-shop and keep these cases in State court, for example, attorneys name irrelevant parties to their class action suits in an effort to destroy diversity. Attorneys make inaccurate statements about the jurisdictional amount to keep the defendant from transferring the case to Federal court, but then retract them one year later when removal is barred. In addition, similar class actions are filed in many State courts and cannot be consolidated, increasing the chances for collusive settlements or situations where there is a 'race to settlement' by the attorneys. This also creates significant inefficiencies and waste of court resources..."

Grassley

Pages S 11940, S 11946-51

Measures Passed:

Internet Tax Nondiscrimination Act: Senate passed H.R. 1552, to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, after rejecting the following amendment proposed thereto:

Pages S 11902-14, D 1150

Enzi Amendment No. 2155, to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes. (By 57 yeas to 43 nays (Vote No. 341), Senate tabled the amendment.)

Pages S 11905-14, D 1150

Report Elimination Prevention: Senate passed H.R. 1042, to require agencies to continue certain reports to Congress that are now slated for elimination pursuant to the Federal Reports Elimination and Sunset Act of 1995, clearing the measure for the President.

Pages S 11919-20, D 1150-1

Office of Government Ethics Authorization Act: Senate passed S. 1202, to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

Pages S 11920, D 1151

Continuing Resolution: Senate passed H.J. Res. 74, making further continuing appropriations for the fiscal year 2002, clearing the measure for the President.

Pages S 11920, D 1151

James A. McClure Federal Building Designations: Senate passed S. 1459, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse."

Pages S 11921, D 1151

Wayne Lyman Morse United States Courthouse Designation: Senate passed S. 1270, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

Pages S 11921, D 1151

H.R. 2500. Commerce, Justice, State Appropriation Conference Report:

By 98 yeas to 1 nay (Vote No. 340), Senate agreed to the conference report on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, clearing the measure for the President.

Pages S 11878-86, D 1151

S. 320. Intellectual Property and High Technology Technical Amendments Act:

Senate concurred in the amendment of the House to S. 320, to make technical corrections in patent, copyright, and trademark laws, with a further amendment as follows:

Pages S 11926, D 1151

Reid (for Hatch) Amendment No. 2162 (to the amendment of the House), in the nature of a substitute.

Pages S 11926, D 1151

S. 1447. Aviation Security Act Conference Report--Agreement:

A unanimous- consent-time agreement was reached providing for consideration of the conference report on S. 1447, to improve aviation security.

Pages S 11915, D 1151

Executive Reports of Committees:

Senate received the following executive report of a committee:

Report to accompany Protocol Relating To The Madrid Agreement (Treaty Doc. 106-41) (Ex. Rept. 107-1)

Pages S 11939-40, D 1151

Nomination Confirmed:

Senate confirmed the following nomination:

Odessa F. Vincent, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Pages S 11971, D 1152

Nomination Received:

Senate received the following nomination:

Michael A. Battle, of New York, to be United States Attorney for the Western District of New York for a term of four years.

Pages S 11971, D 1152

Remarks:

Trying Terrorists As War Criminals.

Specter

Pages S 11888-90

HOUSE

H.R. 2269. Retirement Security Advice Act:

The House passed H.R. 2269, to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets by a recorded vote of 280 ayes to 144 noes, Roll No. 442.

Pages H 8189-H 8215, D 1154

"... Finally, this bill is significantly flawed because it does not provide adequate remedies if someone receives advice that is wrong and that is a breach of fiduciary duties. The bill recognizes the fact that the fiduciary relationship between the adviser and the investor continues under this bill. But what happens if the advisor breaches that duty. Well, the bill would permit present law to continue, and present law permits the recovery of the lost investment; it does not permit the recovery of damages for the consequences of that lost investment. As a practical reality that means that a person who gets bad advice that is a breach of the fiduciary duty of the advisor will never get his or her claim to a court of competent jurisdiction and will never be made whole again. Once the horse has left the barn, it cannot be returned because the remedies are not sufficient under this bill..." (Andrews, Page H 8195)

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 107-289 was considered as adopted.

Pages H 8191, D 1154

Rejected the Andrews amendment in the nature of a substitute printed in part B of H. Rept. 107-289 and made in order by the rule by a yea-and-nay vote of 180 yeas to 243 nays, Roll No. 441.

Pages H 8214, D 1154

Earlier agreed to the unanimous consent request by Representative Fletcher notwithstanding the operation of the previous question, that the Chair may postpone further consideration of the bill to a time designated by the Speaker on this legislative day

Pages H 8210, D 1155

H. Res. 288, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H 8214, D 1155

H.J. Res. 74. Making Continuing Appropriations for FY 2001:

The House passed H.J. Res. 74, making further continuing appropriations for the fiscal year 2001 through December 7, 2001. The joint resolution was considered by unanimous consent.

Pages H 8219-27, D 1155

Committee Meetings:

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "*Cyber Security: Private-Sector Efforts Addressing Cyber Threats.*"

Pages D 1155-6

Committee on the Judiciary: Ordered reported the following bills: **H.R. 3275**, amended, to implement the International Convention for the Suppression of Terrorists Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention for the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts; **H.R. 3209**, amended, Anti-Hoax Terrorism Act of 2001.

Committee on the Judiciary: Subcommittee on Immigration and Claims held a hearing on **H.R. 3231**, Immigration Reform and Accountability Act of 2001.

Page D 1156

Joint Committee Meeting:

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of **S. 1447**, to improve aviation security.

Page D 1157

Remarks:

American Jurisprudence System.

"... This order is not reflective of the workings of the great solons of the law whose likenesses ring this Chamber. This is not reflective of Jeffersonian democracy. This is Kafka's trial writ large. We cannot, we should not let the actions of terrorists cause us to reject our American system of justice. The ultimate terror in a democracy is the destruction of constitutional principles..."

Kucinich

Page H 8184

Conference Report On H.R. 2500, Departments Of Commerce, Justice, And State, The Judiciary, And Related Agencies Appropriations Act, 2002.

"... In addition to economic development funding, I am also pleased by the number of projects that have been included to help our nation's kids through the Department of Justice's juvenile justice programs and community-oriented police (COPS) programs..."

Roybal-Allard

Pages E 2094-5

Constitutional And Civil Liberties Issues.

"... Similarly, I remain profoundly disappointed in the manner by which Senator Ashcroft thwarted Judge Ronnie White's nomination to be a federal district court judge, the first African American justice ever to serve on the Missouri Supreme Court. As I have previously written to him, I believe Senator Ashcroft grossly mischaracterized and distorted a good man's record in this case. Senator Ashcroft's unwillingness at his confirmation hearing to acknowledge or express a scintilla of regret for the manner in which he orchestrated Judge White's defeat can hardly be seen as a promising omen to those of us in the African American community who have worked so hard to integrate the federal judiciary..."

Conyers

Pages E 2100-2

Next SENATE MEETING: Friday, 10:00 a.m., November 16, 2001.

Next HOUSE MEETING: Friday, 9:00 a.m., November 16, 2001.

OLA: S. Schwarz (Smith)